


**Unified Washington Military Department and National Guard Policy  
No. 13-02**

<b>Title</b>	Washington State Legislature Communications and Reporting
<b>Authorizing Source:</b>	Chapter 34.05 RCW, Administrative Procedure Act Chapter 38.52.120 RCW, Political Activity Prohibited Chapter 41.06.250 RCW, Political Activities Chapter 42.17 RCW, Disclosure -- Campaign Finances -- Lobbying -- Records Chapter 42.52 RCW, Ethics in Public Service Chapter 43.88 RCW, State budgeting, accounting, and reporting system
<b>References:</b>	Public Disclosure Commission 2006 PDC Form L-5 Disclosure Instructions WMD Form 0012-14
<b>Cross-Reference Number</b>	Military Department Policy DIR-002-07
<b>Information Contact</b>	Intergovernmental Affairs & Policy Director Building #1 (253) 512-7712
<b>Effective Date</b>	May 1, 2007
<b>Revised</b>	January 8, 2015
<b>Approved By</b>	 Bret D. Daugherty, Major General The Adjutant General WMD Director

**Purpose**

This policy describes the roles, responsibilities and expectations for Washington Military Department (WMD) employee communications with the legislature and WMD reporting to ensure compliance with state lobbying laws.

**Scope**

This policy applies to all state and federal civilian employees, WMD volunteers, and all members of the Washington National Guard.

## Definitions

1. **Lobbying:** Attempting to influence the passage or defeat of any legislation by the state legislature or the adoption or rejection of any rule, standard, rate or other legislative enactment by any state agency under chapters 28.19 and 34.04 RCW.
2. **Legislation:** Bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the Governor.
3. **Legislative Communications:** All written or oral communications between WMD employees and legislators or their staff members, to include, but not limited to, email, letters, reports, fiscal notes, answers to inquiries provided in written form, telephone conversations, hearings, face-to-face meetings, and web meetings.

## Policy

- A. The WMD supports the Washington State Legislature with information to answer questions, provide recommendations, and solve issues on a frequent basis.
- B. In order to effectively communicate and provide thorough, complete and well-coordinated information to the Legislature, WMD employees shall:
  - 1) Coordinate legislative communications in advance with the Intergovernmental Affairs and Policy (IGA&P) Office, if possible. When it is not possible to organize legislative communications in advance, WMD employees shall report legislative communications as described below under subsection C, Legislative Communications Reporting.
  - 2) Respond to questions by legislators or their staff members as fully and openly as possible.
  - 3) Provide timely responses to legislators or legislative staff requests for follow-up that are based on comprehensive research and internal agency coordination.
  - 4) Track and report lobbying activities on a quarterly basis as described below under subsection E, Lobbying and Public Disclosure Commission Reporting.
  - 5) When WMD employees engage in personal communications with the legislature unrelated to the WMD on their own time, clearly state they are not representing the WMD and are speaking as a private citizen representing themselves under RCW 41.06.250 and RCW 38.52.120.
- C. Legislative Communications Reporting

WMD employees shall promptly report all legislative communications, such as hearings and other contacts that are specifically bill-related through their respective Division

Director to the IGA&P Office. Reporting shall include a summary of the contact, issues raised or that may arise, and recommendations for follow up.

D. Legislative Testimony and Hearings

Testimony will be provided only by the Agency Director, Deputy Director, Assistant Adjutant Generals, and the Emergency Management Division Director unless approved in advance by the Agency Director.

E. Lobbying and Public Disclosure Commission Reporting

- 1) WMD use of staff time and resources (state public funds) can only be used to do the following:
  - a. Communicate with legislators at the member's request;
  - b. Request necessary legislative action or appropriations through proper official channels; and
  - c. Provide information to legislators or staff on matters pertaining to official WMD business; and advocate the official position or interests of the WMD.
- 2) The following activities are prohibited for state agencies:
  - a. The WMD and its employees representing the WMD may not engage in grass roots lobbying. Grass roots lobbying is defined as:
    - The preparation, production, or dissemination of information for the purpose of influencing the public to contact legislators or their staff in support of or in opposition to pending or proposed legislation; or
    - Contribute to or participate in a demonstration, march, rally, lobbying campaign, letter writing or telephone campaign for the purpose of influencing the course of pending or proposed legislation.
  - b. Campaign contributions using taxpayer funds or gifts to legislators paid for with public funds.
- 3) **WMD reports only in-person lobbying conducted by non-elected officials or employees that is directed at legislators and their staff members.** This includes time spent testifying at public hearings.
- 4) WMD Divisions shall provide a consolidated quarterly L-5 Public Disclosure Commission report using the WMD Legislative Activity Report form (WMD Form 0012-14) of lobbying activities conducted by their staff to the IGA&P Office. The report is based on calendar year quarters and will include the following information:
  - a. The name, position title and division/program of the WMD official engaged in the lobbying activities.
  - b. A general description of lobbying activities or objectives that include the following:
    - Date, place and contact information

- Bill or WAC numbers, if applicable
- Brief description of topics discussed
- Details about public or non-public (personal) expenditures for legislators or legislative staff totaling more than \$15, if applicable.
- Number of hours spent engaged in lobby activities

5) Lobbying does NOT include:

- a. Requests for appropriations by WMD to OFM pursuant to RCW 43.88 or requests by OFM to the legislature for appropriations other than its own agency budget. However, contacting a legislator or a committee about WMD appropriations is considered lobbying.
- b. Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation or report on a particular subject.
- c. Official reports including recommendations submitted annually or biennially by WMD as required by law.
- d. Attending hearings to monitor and observe testimony and discussion.
- e. Requests, recommendations or other communications between or within state agencies or between or within local agencies.
- f. Telephone conversations or preparation of written correspondence.
- g. Preparation or adoption of policy positions within WMD or a group of agencies. Further action once a position is adopted to advocate that position may constitute lobbying.
- h. Attempts to influence federal or local legislation.